IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 4003 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HAJI VALIMOHAMMAD FAKIRMAHOMMAD KURESHI - Applicant(s)

Versus

STATE OF GUJARAT - Respondent(s)

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Appearance :
MR SHAILESH C SHARMA for Applicant(s) : 1,
MR AY KOGJE APP for Respondent.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 17/04/2007

ORAL JUDGMENT

Rule. Learned Additional Public Prosecutor Shri Kogje waives service of rule on behalf of the respondent.

2. Considering that the role attributed to the applicant is only of giving of a pipe blow to the complainant on non-vital part of the body and considering that other co-accused have been released on bail, it is directed that in case of the arrest of the applicant pursuant to C.R. No.I-24/2007 dated 26.2.2007 filed before Vadi Police Station, the applicant shall be released on bail on furnishing security of Rs.5,000/- with one surety of like amount on conditions that the applicant;

a) that the applicant shall cooperate with the investigation and make himself available for interrogation whenever required.

b) shall remain present before the police station on 20th April, 2007 between 9 a.m. to 2 p.m.

c) shall not hamper the investigation in any manner nor shall induce, give threats or promise to any witness.

d) shall furnish his address to investigating officer and the concerned court.

e) will not leave India without the permission of the Court and if he is holding a passport, shall surrender the same before the trial court within one week.

f) it would be open to the investigating officer to seek remand if found necessary and the learned Magistrate would decide such an application on merits.

g) this order will be operative for a period of 90 days from today.

h) within a period of 10 days from the date of the arrest, the applicant shall apply for regular bail

which application shall be decided by the competent court in accordance with law.

3. With these directions, the Criminal Misc. Application is disposed of. Rule is made absolute accordingly.

Direct service is permitted.

[AKIL KURESHI, J.]

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